EDITOR'S NOTE:

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89-451 (1)

Supreme Court, U.S.
FILED
AUG 7 1989
JOSEPH F. SPANIOL, JR.
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1989

NO _____

CURTIS L. WRENN
P. O. Box 203
Fort Drum, NY 13603,

Petitioner,

vs

HORACE E STONE, ESQ., PRESIDENT
STONE & RICHARDSON PROFESSIONAL CORP.
1500 First National Building
Detroit, MI 48226

-and-

STONE & RICHARDSON PROFESSIONAL CORP.

-and-

HORACE D. COTTON, ESQ.
2180 Penobscot Building
Detroit, MI 48226,

Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE
SIXTH CIRCUIT

Curtis L. Wrenn, Pro Se

5 pp

QUESTIONS PRESENTED FOR REVIEW

1. Whether the Court of Appeals abused its discretion when it considered unrelated lawsuits filed by the petitioner in dismissing this case.

2. Whether the Court of Appeals' actions in singling out the petitioner for adverse action because he had "filed many lawsuits and administrative complaints" constitutes a violation of petitioner's constitutional rights.

3. Whether the District Court's refusal to require compliance with its Local Rules and appropriate Rules of the Federal Rules of Civil Procedure by the defendants in this case constitutes a clear abuse of discretion.

4. Whether the fact that the plaintiff entered the incorrect case number on his discovery reply constitutes "harmless error" within the meaning of Rule 61 of the Federal Rules of Civil Procedure.

5. Whether the action of the Court of Appeals constitutes clear retaliation for the petitioner's opposition to employment practices made unlawful by the Constitution and laws of the United States, and therefore violates petitioner's rights under the Constitution and laws of the United States.

6. Whether the action of the lower courts, considering the facts, as demonstrated by the complaint, pleadings and incorporated exhibits, is clearly erroneous and a clear abuse of discretion.

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JURISDICTION

The jurisdiction of this Court is invoked under title 28, United States Code, Sections 1254(1), 1651 and 1915. This Court is being asked to review the continuing denial of equal justice to the petitioner by the United States Court of Appeals for the Sixth Circuit. That court continues to make adverse decision against the petitioner, SOLELY because he has opposed employment practices made unlawful by the Constitution and the laws of the United States.

CONSTITUTIONAL PROVISIONS INVOLVED

United States Constitution, Amendment I:

> Congress shall make no law ... abridging the freedom of speech ...; or the right of the people peaceably ... to petition the Government for a redress of grievances.

United States Constitution, Amendment V:

> Nor shall any person ... be deprived of life, liberty, or property, without due process of law ...

United States Constitution, Amendment XIV:

> Nor deny to any person within its jurisdiction the equal protection of the laws

OPINION BELOW

1. This case was initially filed in the United States District Court for the Northern District of New York. That court transferred the case to the USDC ED MI. Petitioner appealed the transfer but the appeal was denied. See Appendix F.

2. The case was dismissed by the USDC ED MI, allegedly because the plaintiff failed to comply with its discovery Order. See Appendices D and E.

3. The petitioner appealed the dismissal to the Sixth Circuit. The appeal was denied and petitioner filed a request for rehearing. The rehearing was also denied. See Appendices A, B and C.

STATEMENT OF THE CASE

1. Plaintiff filed a charge of unlawful employment discrimination with the EEOC against the Holland Communith Hospital of Holland, MI. The EEOC rendered a finding of "PROBABLE CAUSE" and plaintiff filed his lawsuit. On or about January 21, 1984 plaintiff asked the Respondent Law Firm to represent him. The respondents agreed to provide legal service for an initial fee of Two Thousand Five Hundred Dollars ($2,500).

2. On or about October 31, 1985 the respondents informed the plaintiff that Attorney Cotton was no longer associated with the firm and that he should find another attorney. Plaintiff informed Respondent Stone that he wanted his law firm to continue to represent him or refund the $2,500.00 fee. Stone declined to do either. As a result the plaintiff was without legal counsel to represent him in a complex legal matter.

3. As consequence of the respondents'

failure to perform the professional service owed him, the petitioner filed a malpractice claim in the United States District Court for the Northern District of New York on December 19, 1986. In answer to the complaint the defendants filed a motion for change of venue. The district court granted the motion and the case was transferred to the United States District Court for the Eastern District of MI.

4. Petitioner appealed the transfer of the case to the Second Circuit Court of Appeals. The appeal was denied. See Appendix F.

5. On or about August 28, 1987 the District Court for the Eastern District of Michigan published its Scheduling Order. the Order, among other things, ordered:

> "1. The deadline date for serving first set of interrogatories and/or requests for production of documents to a party, ... is 9/14/87."

6. On or about September 6, 1987, in compliance with the Scheduling Order, the plaintiff served his First Set of

Interrogatories and Request for Production of Documents on the defendants. The defendants refused to respond to the discovery request, and pursuant to paragraph two of the Scheduling Order plaintiff filed his motion to compel discovery. The motion was granted.

7. On september 18, 1987 plaintiff received the Defendants' First Set of Interrogatories to Plaintiff. The request was post marked 15 September 1987. The plaintiff immediately submitted his request for clarification and motion for protective order, on the grounds that the defendants did not comply with the Scheduling Order in that service was not made on September 14, 1987. The district court issued its Order compelling the plaintiff to answer. The responses was served on defendants' attorney of record, Janice L. Burns on or about March 1, 1988. See Appendix I

8. On or about March 31, 1988 Defendant Richardson filed a motion to dismiss this action, allegedly because the plaintiff had refused to comply with the Order of February 16, 1988. The motion was granted. See Appendix D

9. On or about June 13, 1988 the plaintiff filed his notice of appeal. The appeal was denied. Petitioner filed a petition for rehearing. The petition for rehearing was also denied. See Appendices A, B, C.

10. This petition for certiorari is an attempt to have this Court remand the case to the district court on the grounds that the action of the lower courts was an abuse of discretion and clearly erroneous.

REASON FOR GRANTING WRIT

The decision of the lower courts demonstrates a clear abuse of discretion. That is, the petitioner is asking that this case be remanded to the district court on the grounds that the dismissal of this case because of a typographical error (entering the incorrect case number on a discovery response) is a severe penalty which should not be condoned. Petitioner submits that entering the incorrect case number is a "harmless error", in that no one was misled or harmed.

ARGUMENTS

I. Retaliation by the Court of Appeals

This case is directly related to Case No 88-6494 now before this Court, in that it is another example of the continuing retaliation by the Court of Appeals for the petitioner's opposition to unlawful employment practices. Specifically, the Sixth Circuit has denied EVERY appeal filed by the petitioner. In the case herein, like

other cases filed by the petitioner, the denial had more to do with the "many lawsuits" filed by the petitioner than the merits of the case. See Appendices A-C, and L-N.

II. Summary of Argument

1. A review of the records in this case will clearly demonstrate that the decisions of the lower courts are clearly erroneous. Thus, the decisions fall within this Court's clearly erroneous standards announced in Pullman-Standard v. Swint, 456 U.S. 273, 293 (1982).

2. Petitioner's central argument is that he has been unjustly penalized because he committed a "harmless error" by typing the incorrect case number on his response to the defendants' discovery request. As such this case falls within Rule 61 of FRCP which states in relevant part that "The court at every stage of the proceeding must disregard any error or defect in the proceeding which

does not affect the substantial rights of the parties."

3. The "harmless error" issue in this case is similar to the issue addressed by this Court in Hoiness v. United States (1948) 335 US 297, 69 S Ct 70, 93 L ed 16 (reference in timely petition for appeal in admiralty order, when probably it should have been to another, was harmless when reference could have misled no one). In that connection, there has been no evidence submitted by the attorney of record (Janice Burns) that the responses to the defendants' discovery request were not received. The fact that the district court and the court of appeals noted the incorrect case number is irrefutable evidence that the discovery responses were submitted AND received.

4. Petitioner submits that the facts in this case (Appendices C, E, I, J and K) clearly demonstrate that the decision of the district court was clearly erroneous, in

that the plaintiff had complied with the Order of the court (Appendix I) AND Rule 5(b) of FRCP in that the responses were mailed to the attorney of record (Appendices G, H and I). Moreover, the decision of the district court to permit the filing of a pleading by Respondent Richardson was a clear violation of Rule 17(d) of the Local Rules (Appendix J). Also, Attorney Burns was permitted to withdraw from the case without filing a motion to withdraw in violation of the Local Rules.

5. Based upon the foregoing, the facts show that the lower courts did not exercise judgment in reviewing this case, but rather disregarded the facts as demonstrated by the complaint, pleadings and incorporated exhibits. See, e. g., McDonough Power Equipment, Inc. v. Greenwood (1984) 464 US 548, 104 S Ct 845, 78 L ed2d 663, where the Court stated "the harmless error rules embody the principle that courts should exercise judgment in preference to an

automatic reversal for "error" and ignore errors that do not affect the essential fairness of the trial."

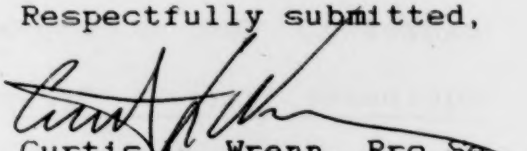
CONCLUSION

This case involves a deliberate intentional effort by the district court to abuse its discretion, by among other things, disregarding its own Local Rules and the Federal Rules of Civil Procedure.

This Court is being asked to apply the "clearly erroneous" standards of Rule 52(a) of FRCP and remand this case to the district court for a proper hearing.

This Court is also being asked to bring to an end the continuing retaliatory actions by the Sixth Circuit Court of Appeals.

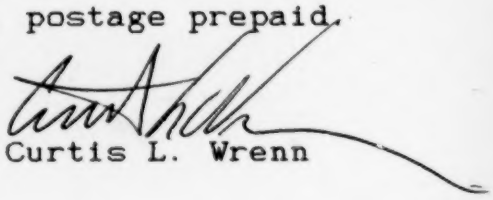
Respectfully submitted,



Curtis L. Wrenn, Pro Se
P. O. Box 203
Fort Drum, NY 13603
Tel: (315) 772-4021

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Petition for Writ of Certiorari was mailed to Horace E. Stone, 1500 First National Building, Detroit, MI 48226; Stone & Richardson Professional Corp., 1500 First National Building, Detroit, MI 48226; and Horace D cotton, 2180 Penobscot Building, Detroit, MI 48226, on the 5th day of August 1989, via U.S. mail, postage prepaid.



Curtis L. Wrenn

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1989

NO _____

CURTIS L. WRENN
P. O. Box 203
Fort Drum, NY 13603,

Petitioner,

vs

HORACE E STONE, ESQ., PRESIDENT
STONE & RICHARDSON PROFESSIONAL CORP.
1500 First National Building
Detroit, MI 48226

-and-

STONE & RICHARDSON PROFESSIONAL CORP.

-and-

HORACE D. COTTON, ESQ.
2180 Penobscot Building
Detroit, MI 48226,

Respondents.

PETITIONER'S APPENDICES

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APPENDIX A

No. 88-1635

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

CURTIS L. WRENN,

Plaintiff-Appellant,

v. O R D E R

HORACE STONE; STONE & RICHARDSON; HORACE COTTON,

Defendants-Appellees.

BEFORE: KRUPANSKY and NELSON, Circuit Judges; and PECK, Senior Circuit Judge.

Plaintiff Wrenn appeals pro se from the district court's order dismissing this diversity case. 28 U.S.C. 1332. The appeal has been referred to a panel of the court pursuant to Rule 9(a), Rules of the Sixth Circuit. Upon consideration, the panel unanimously agrees that oral argument is not needed. Fed. R. App. P. 34(a).

The plaintiff is a prolific litigant. The defendants are attorneys who represented the plaintiff in some of his litigation. In his complaint, the plain-

tiff alleged that the defendants committed legal malpractice in one of thoses cases.

During discovery, the district court ordered the plaintiff to file answers to the defendants' interrogatories by a certain date. The defendants filed a motion to dismiss, alleging that the plaintiff had failed to file the interrogatories. The plaintiff responded by supplying a copy of answers to the interrogatories which contained the wrong case number. The plaintiff had served these answers on the defendants but had not filed them with the court. The district court held a hearing and concluded that the plaintiff had engaged in dilatory tactics and failed to obey the order of the court. The court therefore dismissed the case under Fed. R. Civ. P. 41(b).

The standard of review of a dismissal for failure to prosecute is an abuse of discretion. Carter v. City of Memphis, 636

F.2d 159, 161 96th Cir) (per curiam). Wrenn is a most litigious individual. In considering the litigant's good faith prosecution of this action, the court, in its disposition, is cognizant of his prior record of thirty-nine lawsuits plus numerous other administrative actions against a total of 152 defendant entities. Wrenn v. Gould, 808 F.2d 493, 497 n.2 (6th Cri. 1977), cert. denied, 108 S. 1032 (1988). (Petitioner note for the record that this citation is totally erroneous and/or false, in that he filed no appeal in 1977 and more importantly the Gould case was not presented by him to the Supreme Court). Accordingly, it appearing that appellant failed to answer the defendants' interrogatories, the district court properly dismissed the case.

The order of the district court is affired under Rule 9(b)(5), Rules of the Sixth Circuit, because the issues are not

substantial and do not require oral argument.

ENTERED BY ORDER OF THE COURT

/s/ Siganture not legible

Clerk

APPENDIX B

NO. 88-1635

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

CURTIS L. WRENN,

Plaintiff-Appellant

vs ORDER

HORACE STONE, ET AL.,

Defendants-Appellees

BEFORE: KRUPANSKY and NELSON, Circuit Judges; PECK, Senior Circuit Judge

Upon consideration of the petition for rehearing filed by the appellant, the court concludes that the issues raised therein were fully considered upon the original submission and decision of this case.

It is therefore ORDRED that the petition for rehearinhg be, and it hereby is, denied.

ENTERED BY ORDER OF THE COURT
Leonard Green Clerk

/s/ Leonard Green

APPENDIX C

Excerpt From Appellant's Petition for Rehearing in Case No 88-1635

I. THE APPELLANT IS LITIGIOUS

1. The Court's decision was apparently influenced by the fact that the appellant has filed "numerous lawsuits throughout the country". The Court apparently did not consider the pattern and practices of public and private employers to deny him employment.

3. This Court's decision if allowed to stand implies that despite repeated denial of equal employment opportunity, the appellant should accept such discrimination and take NO action to vindicate his rights.

4. The key fact in the appellant's filing numerous lawsuits is the language of Title VII. See Alexander v. Gardner-Denver Co., Cert to the Tenth Circuit, Case No 75-5847, Sup. Ct., February 1974 ...

5. Accordingly, the appellant respectfully requests that this Honorable Court discontinue its practice of making advers(e) decisions against him SOLELY because he is a "litigius person" who is desperately trying to bring to an end a nationwide campaign to deny him equal employment in his chosen profession of hospital and health care administration. The Court is being asked to consider that these lawsuits were guided by the single belief that each and every American citizen has the right, AND THE DUTY, to vindicate the denial of rights, privileges and immunities secured by the Constitution and laws of the United States.

II. PLAINTIFF ENGAGED IN DILATORY TACTICS

1. There is no evidence WHATSOEVER to support the district court's assertion that the "plaintiff engaged in dilatory tactics". Moreover, there is no evidence whatsoever to support the district court's assertion that

the plaintiff failed to obey an order of that court.

2. The facts in this case clearly demonstrate that the appellees were not permitted to file Appellees' Brief in this case, apparently because this Court decided that ONLY the attorney of records was permitted to file a pleading. This was appellant's chief complaint regarding the action of the district court.

Therefore, appellant respectfully submits that before this Court can decide that the plaintiff did not obey the order of the district court, it should have Attorney Burns submit an affidavit to confirm the district court's allegation that the plaintiff DID NOT comply with the district court's order at issue in this case.

Respectfully submitted,

/s/ Curtis L. Wrenn

APPENDIX D

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CURTIS L. WRENN,

Plaintiff,

Case No 87-CV-72190-DT

v

Hon. Lawrence P. Zatkoff

HORACE E STONE,
et al.,

Defendants.

ORDER

At a session of said Court, held in the U.S. Courthouse, in the City of Detroit, County of Wayne, State of Michigan on; 14 Apr 1988

PRESENT: HONORABLE LAWRENCE P. ZATKOFF
U.S. DISTRICT COURT JUDGE

The Court having read Defendants' Motion for Dismissal for Failure to Comply with Order and oral argument having been heard in this matter, and the Court being fully advised in the premises;

IT IS HEREBY ORDERED that the Motion for Dismissal for Plaintiff's Failure to Commply with Order Requiring Answers to Interrogatories is hereby granted and that

this instant matter is hereby dismissed with prejudice.

The Court reserves the issue of Defendant taxing all its costs.

/s/L P Zatkoff
U. S. District Judge

A TRUE COPY

CURTIS L. WRENN
September 2, 1989

APPENDIX E

Excerpt From Plaintiff's Petition for Rehearing and/or Request for Information Filed in District Court 20 Apr 88.

COMES NOW the plaintiff to petition the Court to reconsider its Order of April 14, 1988. In that Order the Court dismissed the plaintiff's claims allegedly because of "Failure to Comply with Order Requiring Answers to Interrogatories ..." Plaintiff respectfully submits that an error has been made, in that HE DID in fact comply with the Order of the Court by answering the interrogatories of the defendants. Plaintiff submits that he previously advised the Court that he did in fact answer the defendants' interrogatories. More specifically:

1. Exhibit #1 clearly demonstrates that the plaintiff answered the defendants' interrogatories.

2. On or about April 6, 1988 the plaintiff apprised the Court in his Memo-

randum in Opposition to Defendants' Motion. to Dismiss, of the fact that he had answered the defendants' interrogatories. A copy of that Medmorandum is at Exhibits #2.

3. On April 11, 1988 the plaintiff again advised the Court that he had answered the defendants' interrogatories. ... See Exhibit #3.

In that connection, the Court is respectfully asked again to consider the fact that prior to the defendants' motion to dismiss, ALL documents, complaints, motions and pleadings, were mailed by him to Janice L. Burns, Esq., who had represented herself to this Court and to the plaintiff as the legal counsel for the defendants. Likewise all pleadings from the defendants were filed by Attorney Burns and not Ralph H. Richardson, who has alleged, without any basis whatsoever, that the plaintiff did not respond to the defendants' discovery request. For this reason, the plaintiff renews his earlier request to the Court for

the Court to obtain testimony from Attorney Burns regarding the disposition of plaintiff's responses to the defendants' interrogatories. In the absence of such testimony, plaintiff respectfully asks the Court to provide him with a copy of the admissible evidence which allegedly supports the defendants' allegation that the plaintiff did not answer the defendants' interrogatories. Moreover, plaintiff respectfully asks the Court for a copy of the admissible evidence which allegedly refuted his affidavit that he answered the defendants' interrogatories.

Respectfully submitted,

/s/ Curtis L. Wrenn

APPENDIX E

Excerpt From Order U. S. Court of Appeals for the Second Circuit of 30 Mar 1988

Curtis L. Wrenn, pro se, appeals from a judgment of the United States District Court ... granting the appellees' motion for a change of venue and transferring this case to the United States District Court for the Eastern District of Michigan ...

Since transfer orders ... are not appealable, absent certification under 28 U.S.C. 1292(b) ... Therefore, we lack jurisdiction to hear his appeal. ... As that court correctly noted all of the relevant events and witnesses which would be material to Wrenn's action against the appellees are based in Michigan.

Accordingly, the appeal is dismissed.

WRENN v. STONE
Docket No. 87-7485

APPENDIX G

Excerpt From Scheduling Order of U.S.D.C E.D. OF MI IN CASE NO 87-2190

Pursuant to Local Rules for the United States District Court for the Eastern district of Michigan, the Court enters the following schedule controlling the progress of the above-entitled cause:

MOTION PRACTICE

Counsel are expected to comply with Rule 17, Local Rules of this Court, ...

Dated: August 28, 1987

/s/ Lawrence P Zatkoff
United States District Judge

NOTICE TO: Curtis Wrenn
Janice L. burns, Esq.

APPENDIX H

Excerpt From Letter of Defendants of

December 15, 1987 on the Letterhead of

LAW OFFICES, STONE & RICHARDSON

United States District Court
Clerk of the Court
231 W. Lafayette
Detroit, Michigan 48226

Re: Curtis L. Wrenn v Horace E. Stone, et al

Dear Sir/Madam:

Enclosed herein, plese find the original and copy of Defendants' response to Request for Production of Documents, Answer to Plaintiff's First Set of Interrogatories to Defendants and Proof of Service relative to the above-captioned matter, for filing in your usual manner.

Very truly yours,

STONE & RICHARDSON, P. C.

/s/ Janice L. Burns

APPENDIX I.

Excerpt From Plaintiff's Responses to Defendants' Request for Production

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served the within and foregoing PLAINTIFF'S RESPONSES TO THE DEFENDANTS' REQUEST FOR PRODUCTION AND FIRST SET OF INTERROGATORIES, prior to filing the same, by depositing a copy thereof, postage prepaid, in the U. S. mail, properly addressed to the following:

Janice L. Burns, Esq.
STONE & RICHARDSON, P.C.
1500 First National Building
Detroit, MI 48226

DATED: 1 March 1988 /s/ Curtis L. Wrenn

APPENDIX J

Excerpt From Plaintiff's Motion for Leave of Court to File Supplemental Pleading

MEMORANDUM IN SUPPORT

1. This case involves, among other things, the defendants' motion to dismiss, allegedly because the plaintiff did not respond to their interrogatories; ...

3. The Clerk's Office has informed the plaintiff (see Exhibit #1) that the counsel of record for the defendantgs is Janice L. Burns, and that no motion for substitution of counsel has been filed by the defendants. Apparently the Court has no record of Ralph H. Richardson being the counsel of record in this case.

4. Plaintiff again submits for the Court's consideration that the defendants' motion to dismiss which was signed by Ralph H. Richardson did not comply with Rule 17(d) of the Local Rules which states "Every motion shall be signed by at least one attorney of record in his individual name

..." The defendants' failure to comply with Rule 17(d) should not be condoned by this Honorable Court.

5. Exhibit #1 (the docket sheet) does not show that Janice L. Burns has withdrawn as the defendants' attorney of record. Thus Attorney Burns has not complied with Rule 14(b) of the Local Rules, which states "Withdrawal of appearances may be accomplished only by leave of Court on motion of counsel." Apparently no such motion was filed.

6. In summary, plaintiff submits that the mailing of his answers to the defendants' attorney of record (Janice L. Burns) complied with the Order and Rules of this Court. In addition, plaintiff submits that he complied with Rule 5(b) of the Federal Rules of Civil Procedure which states in relevant part that "Whenever under these rules service is required or permitted to be made upon a party represented by an attorney the service shall be made upon the attorney

unless service upon the party himself is ordered by the court. Service upon the attorney or upon a party shall be made by delivering a copy to him or by mailing it to him at his last known address ..." In the case at bar the plaintiff's answers to the defendants' interrogatories were served upon the attorney by depositing same in the United States mail, postage prepaid, addressed to Janice L. Burns, Esq., 1500 First National Building, Detroit, MI 48226.

Respectfully submitted,

/s/ Curtis L. Wrenn

APPENDIX K

Excerpt From Plaintiff's Letter of April 19, 1988 to the Clerk's Office

RE: Wrenn v. Stone, et al., No 87-72190-DT

Ladies and Gentlemen:

Please send me a copy of the Docket Sheet and/or a copy of the motion for substitution of counsel and/or any document filed with the Court which shows that Ralph Richardson, Esq. was granted permission by the Court to replace Janice Burns, Esq., as counsel for the defendants in the above case.

Sincerely,

/s/ Curtis L. Wrenn

March 13, 1986

RE: Wrenn v. State of Ohio

Mr. William Bradford Reynolds
Assistant Attorney General
Civil Rights Division
U. S. Department of Justice
10th and Pennsylvania Avenue, NW
Washington, D.C. 20530

Dear Mr. Reynolds:

Enclosed please find the following EEOC Letters of Determination in which the EEOC found "reasonable cause to believe that the allegation of race discrimination is true":

052791758	052821687
052811127	052821858
052831211	052831241
052831715	052820688
052823200	052830932
057821216	052823199
052831418	

Based upon the above reasonable cause findings, complaints were filed in the United States District Court, Toledo, Ohio. One of the complaints (Civil Action No. 83-493) is now being appealed to the six Circuit Court of Appeals (Docket Number 86-3189). Because the respondent has demonstrated such blatant acts of discrimination based on a pattern or practice of denying me my civil rights, this is to respectfully request the assistance and/or intervention of the Justice Department.

More specifically, I would appreciate the Department entering the case on my behalf.

Thank you for your assistance. -

Sincerely,

/s/
Curtis L. Wrenn

"I CERTIFY THAT THE FOREGOING IS A TRUE AND COMPLETE TYPED COPY OF THE ORIGINAL".

Date: 3/11/88

Curtis L. Wrenn, Pro Se

U.S. Department of Justice

Civil Rights Division

Washington, D.C. 20530

14 APR 1986

Curtis L. Wrenn
Post Office Box 1691
Albany, New York 12201

Re: Wrenn v. State of Ohio

Dear Mr. Wrenn:

This is in response to your letter of March 13, 1986 in which you request that the Department of Justice assist you or seek to intervene in complaints that you state you have filed in the United States District Court in Toledo, Ohio (including a case now on appeal to the Sixth Circuit) on 13 charges that you list in your letter.

Since the Department of Justice is not authorized to give legal assistance to private citizens or to represent them, we are unable to provide assistance to you in your cases. It is also our determination not to seek to intervene in your cases. As we have previously informed you in letter of March 31, 1983, December 15, 1983 and July 12, 1984, the staff of our Section is relatively modest in size and we have nationwide responsibilities under several civil rights laws. Because of our limited resources we are unable to litigate on behalf of most individual charging parties with claims of employment discrimination against state or local government employers. Rather, we must rely on the

charging parties themselves to pursue their own suits under Title VII if they believe their claims to be meritorious.

Sincerely,

Wm. Bradford Reynolds
Assistant Attorney General
Civil Rights Division

By: /s/
William B. Fenton
Deputy Chief
Employment Litigation Section

"I CERTIFY THAT THE FOREGOING IS A TRUE AND COMPLETE TYPED COPY OF THE ORIGINAL".

Date: 3/11/88

Curtis L. Wrenn, Pro Se

February 16, 1988

Chief Judge
United States Court of Appeals
Sixth Circuit
U. S. Post Office & Courthouse Building
Cincinnati, OH 45202

Dear Judge:

Enclosed please find a copy of pages 6 and 7 of a pleading filed by the defendants in the U.S. Court of Appeals for the D. C. Circuit, in the case of Wrenn v. VA, Case No 86-5325.

My reason for sending this to you is to bring to your personal attention several concerns which I have:

(1) I have reviewed my files pertaining to EVERY case which I have filed against Gould (the Cordelia Martin Health Center) and have not found ANY such decision as cited by the defendants in the above case. For this reason, I respectfully request that a copy of the cited decision be mailed to me as soon as possible.

(2) The allegations contained in the cited decision are NOT based on any decisions and/or pleadings which I have from the United states District Court for the Northern District of Ohio, in any case involving Wrenn v. Gould. My chief concern, however, has to do with the wording contained in the cited decision. I am left with the distinct impression that the decision reflects the influence of the United States Department of Justice. Although Justice is not a defendant or acting in the capacity of legal counsel for

the defendants in the Gould case, I am aware, however, that that Department represents the U. S. Department of Health and Human Services which provides the primary financial support for the Cordelia Martin Health Center. The idea which has occurred to me is a very distasteful one, and that is that the Justice Department has exerted influence in a court of appeal as part of its continuing efforts to discredit me because of my opposition to unlawful employment practices and the underfunding of health care for Blacks. You are respectfully requested to compare the wording in the Gould case with an unfounded allegation made against me by the U. S. Department of Health and Human Services. Please note especially that DHHS initially steadfastly denied that ANY such allegation had been made, and later declined to provide the requested information after I was successful in obtaining bits and pieces of information from anonymous sources in responses to my paid advertisements. Appendix A is enclosed for your perusal. This appendix reflects my efforts to obtain information under the Freedom of Information Act, in an attempt to clear my name and to vindicate my civil and constitutional rights.

(3) I am becoming increasingly concerned about the recurring use of unsupported facts by this Court to support adverse decisions against me. I sincerely believe the decisions by this Court are racially motivated by my race (Black) and retaliation (because of my opposition to employment practices made unlawful by the Constitution and laws of the United States.) I respectfully invite your attention to Docket No 86-3131 (Wrenn v. Gould) where the Court stated, without any facts whatsoever, that I had voluntarily dismissed an age discrimination claim, while knowing not only was the statement false but apparently was blatantly and maliciously made to stigmatize

me so as to encourage other courts to render similiar adverse decisions. I also invite your attention to other unsupported allegations used by the Court to render adverse decision. Please note the following cases which I have filed petitions for rehearing: 87-3276/77, 87-3437, and 87-3246, 87-3263.

(4) Regarding the cited Gould case. My chief concern has to do with the Court's unsupported allegation "His numerous unfounded civil rights challenges ..." The allegation having been made despite the absence of ANY supporting documentation in the case from the District Court. This Court AND the District Court are acutely aware that the EEOC rendered "probable cause" in at least fourteen charges filed by me in the State of Ohio. Is it this Court's contention that the filing of lawsuits in each of those cases, after both the EEOC and Justice Department refused to initiate legal action against the public or private employer to vindicate my civil rights, is an example of filing unfounded "civil rights challenges?" Also, is it this Court's contention that when the EEOC refuses to take action to process and/or investigate a charge (this Court has been made aware of the many examples of such by me), that a person, such as myself, does not have the right to file legal action against the wrongdoer to vindicate his civil rights? Or is it the contention of this Court that it is alright for ANYONE but Curtis L. Wrenn to oppose unlawful employemnt practices by filing lawsuits?

In that connection, I respectfully call your attention to the fact that I have been denied employment as an administrator in the profession of hospital and health care administration, as a result of a nationwide effort orchestrated by present and former employees of the Ohio Department of Mental Health, the U. S. Department of Justice, and

aware, however, that that Department represents the U. S. Department of Health and Human Services which provides the primary financial support for the Cordelia Martin Health Center. The idea which has occurred to me is a very distasteful one, and that is that the Justice Department has exerted influence in a court of appeal as part of its continuing efforts to discredit me because of my opposition to unlawful employment practices and the underfunding of health care for Blacks. You are respectfully requested to compare the wording in the Gould case with an unfounded allegation made against me by the U. S. Department of Health and Human Services. Please note especially that DHHS initially steadfastly denied that ANY such allegation had been made, and later declined to provide the requested information after I was successful in obtaining bits and pieces of information from anonymous sources in responses to my paid advertisements. Appendix A is enclosed for your perusal. This appendix reflects my efforts to obtain information under the Freedom of Information Act, in an attempt to clear my name and to vindicate my civil and constitutional rights.

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public and private employeers acting in concert with them. The concerted nationwide efforts to deprive me of rights, privileges, and immunities secured by the Constitution and laws of the United States have been fully documented in this Court. However, if I am to believe the Gould case, this Court has deliberately refused to consider the facts before it in order to discredit me, my good name and reputation. In addition, this Court is apparently trying to persuade me not to seek legal redress against those who have denied me employment and the opportunity to pursue my chosen profession. I find this to be extremely disconcerting because this Court nor ANY OTHER court can so persuade me, but it surely will persudae others after they are made aware of the price which I have had to pay for pursuing justice and equal rights.

Based on the foregoing, I respectfully request, pursuant to the Freedom of Information Act if appropriate, that I be provided a copy of the Gould case including the date of issuance.

I am by a copy of this letter requesting the clerk of your Court and the clerk of the Toledo District Court to provide me with a copy of any and all documents compiled in the Gould case.

Vedry truly yours,

/s/
Curtis L. Wrenn

CERTIFIED MAIL P541589816

"I CERTIFY THAT THE FOREGOING IS A TRUE AND COMPLETE TYPED COPY OF THE ORIGINAL."

Date: 3/11/88 _____
Curtis L. Wrenn, Pro Se

APPENDIX O

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CURTIS L. WRENN,

Plaintiff,

CASE NO 87-CV-72190-DT

vs.

HON LAWRENCE P ZATKOFF

HORACE STONE, et al.,

Defendants.

ORDER

AT A SESSION of said Court, held in the United States Courthouse, in the City of Detroit, State of Michigan, on the 16th day of February, 1988.

PRESENT: THE HONORABLE LAWRENCE P. ZATKOFF UNITED STATES DISTRICT JUDGE

Plaintiff has sent a letter to the Clerk of the Court requesting a clarification of this Court's February 1, 1988 Order requiring Plaintiff to answer Defendants' interrogatories. The Court will treat this as a motion for clarification.

On February 1, 1988 this Court granted Defendants' motion compelling Plaintiff to answer Defendants' interrogatories.

Although Plaintiff asserts otherwise, the Court file does not contain any responses or objections submitted by the Plaintiff. Further, the file does not contain a motion for protective order. Since the appropriate responses were not filed, the Court granted Defendants' motion.

Based on the above, Plaintiff is required to file answers to Defendants' interrogatories within fourteen (14) days hereof.

IT IS SO ORDERED.

/s/L P Zatkoff

LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

APPENDIX D

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CURTIS L. WRENN,

Plaintiff,

CASE NO 87-CV-72190-DT

vs.

HON LAWRENCE P ZATKOFF

HORACE STONE, et al.,

Defendants.

MEMORANDUM OPINION & ORDER

AT A SESSION of said Court, held in the United States Courthouse, in the City of Detroit, State of Michigan, on the 24th day of May, 1988.

PRESENT: THE HONORABLE LAWRENCE P. ZATKOFF, UNITED STATES DISTRICT JUDGE

On August 24, 1987, this Court issued a scheduling order which governs this matter. Particular to the issue raised herein, the Order stated the deadline for serving and filing the first set of interrogatories was September 14, 1987. On September 10, 1987, Plaintiff filed his first set of interrogatories. On September 10, 1987, Defendants filed their first set of interrogatories.1

On December 16, 1987, Plaintiff answered his own interrogatories. On January 27, 1988, Defendants filed a motion to compel answer to interrogatories. On February 1, 1988, the Court granted Defendants' motion and ordered Plaintiff to answer within 14 days. Thereafter, Plaintiff filed a motion for clarification. On February 16, 1988, the Court addressed Plaintiff's motion and ordered Plaintiff to answer Defendants' interrogatories. On March 31, 1988, Defendants filed a motion to dismiss for failure to answer interrogatories. On April 14, 1988, this Court granted Defendants' motion and dismissed Plaintiff's action.

Plaintiff has now filed a petition for rehearing/request for information. Plaintiff has also filed a motion to file supplemental pleadings. Since the Court considered the latter motion, the motion to supplement the pleadings is GRANTED.

Normally, the Court is not inclined to address requests for information. The Court

finds such matters to be advisory opinions, something completely prohibited by Art. III of the United States Constitution. The Court, however, finds that Plaintiff's request is in the form of a motion for reconsideration. Thus, the Court will treat the request as such.

In a motion for reconsideration, the movant must demonstrate a palpable defect by which the Court and the parties have been misled and also show that a different disposition of the case must result from a correction thereof. E.D. MI Local Rule 17(M)(3). Motions for reconsideration which present the same issues already ruled upon by the Court either expressly or by reasonable implication will not be granted. Id. Motions for reconsideration must also be served not later than 10 days from the date of entry of the order or judgment objected to. E.d. MI Local Rule 17(M)(1).

Although Plaintiff claims that he has answered the interrogatories, he has not.

Nothing in the file indicates that he has timely done so. Plaintiff attaches to his request answers to certain interrogatories, but these are under a different case number. Since Plaintiff has previously filed papers under the correct case number, the Court does not find this to be an isolated mistake. Further, the Court notes that the case numbers are not similar in any respect.

Plaintiff also argues that the Defendants have substituted attorneys without advising him. The Court recognizes that two different attorneys have represented the Defendants on various pleadings. However, the attorneys are from the same firm representing the Defendants. Thus, there was no substitution of attorneys.

Based on the above, the Court does not find a palable defect or error of law.

Thus, Plaintiff's petition for rehearing is DENIED.

IT IS SO ORDERED.

/s/ L P Zatkoff

Lawrence P. Zatkoff
United States District Court

A TRUE COPY

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

BY /s/ Rosalie P Nostwald
DEPUTY CLERK

Pursuant to Rule 77(d), FRCivP
COPIES HAVE BEEN MAILED TO THE FOLLOWING:

Atty Janice L Burns

Curtis Wrenn

on May 24, 1988

/s/ Rosalie P Nostwald
DEPUTY CLERK

1Although Defendant claims he did not receive the interrogatories until September 17, 1987, the Court finds that the interrogatories were timely field and served. See F.R. Civ. P.6.